

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARK MCDONALD,

Plaintiff,

v.

MOLINA HEALTHCARE, INC., a foreign
profit corporation; and MOLINA
HEALTHCARE OF WASHINGTON, INC., a
domestic profit corporation,

Defendants.

CASE NO. C20-1189-JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

This matter comes before the Court on the stipulation filed by Plaintiff Mark McDonald and Defendant Molina Healthcare of Washington, Inc. (Dkt. No. 17). In August 2020, Plaintiff filed this employment discrimination action against Molina Healthcare of Washington, Inc. and its parent corporation, Molina Healthcare, Inc. (Dkt. Nos. 4, 14.) Defendants filed an answer in November 2020. (Dkt. No. 15.) Plaintiff and Defendant Molina Healthcare of Washington, Inc. now stipulate to the dismissal of Plaintiff's claims against Defendant Molina Healthcare, Inc. and to Plaintiff filing an amended complaint against defendant Molina Healthcare of Washington, Inc. (Dkt. No. 17.) Consistent with their stipulation, Plaintiff and Defendant Molina Healthcare

1 of Washington, Inc. ask the Court to enter an order dismissing Plaintiff's claims against Molina
2 Healthcare, Inc. and granting Plaintiff leave to file his proposed amended complaint. (*Id.*)

3 Federal Rule of Civil Procedure 41(a)(1)(A)(ii) allows a plaintiff to dismiss claims
4 against some or all defendants by filing "a stipulation of dismissal signed by *all parties* who have
5 appeared." Fed. R. Civ. P. 41(a)(1)(A)(ii) (emphasis added); *Wilson v. City of San Jose*, 111 F.3d
6 688, 692 (9th Cir. 1997). Here, the stipulation of dismissal (Dkt. No. 17) does not comply with
7 Rule 41(a) because it has been signed only on behalf of Plaintiff and one defendant
8 notwithstanding the fact that both defendants have appeared. The Court therefore DENIES
9 without prejudice the request to enter the proposed order of dismissal. The parties may file an
10 amended stipulation of dismissal signed by all parties. Following the proper dismissal of
11 Defendant Molina Healthcare, Inc., the Court will consider the stipulation of Plaintiff and
12 Defendant Molina Healthcare of Washington, Inc. for an order granting Plaintiff leave to file an
13 amended complaint.

14 DATED this 17th day of February 2021.

15 William M. McCool
16 Clerk of Court

17 s/Paula McNabb
18 Deputy Clerk
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